

From: [R6HarveySITL](#)
To: [R6HarveyInfo](#)
Subject: FW: Impact to Organic crop operations due to TF Vector Control Spay for Harvey
Date: Wednesday, September 6, 2017 7:57:02 PM
Attachments: [Product Label-Dibrom Concentrate.pdf](#)

From: McPherson, Kenneth
Sent: Wednesday, September 6, 2017 7:56:58 PM (UTC-06:00) Central Time (US & Canada)
To: Mary Ellen Holliman
Cc: Leslie Smith; Dale Scott; Whitney.Qualls@dshs.texas.gov; Velez, EduardoM; Rhea, William; Lyssy, Gregory; McAteer, Mike; R6HarveyInfo; R6HarveySITL
Subject: RE: Impact to Organic crop operations due to TF Vector Control Spay for Harvey

Mary Ellen: some of the wording here discusses “treated plant” or “treated animal”. The products used are for “area” treatments. I recommend that further guidance from USDA is necessary to determine their definition of a “treated plant” or “treated animal”. Normally, plant treated or animal treated means that the pesticide is applied directly to the plant or animal, with an expected residual that provides the intent of the product to the plant or animal. I have attached a copy of specimen labels. Please review the language under “adult mosquito control” to understand the gray area language. Ken

Kenneth R. McPherson, BCE | Senior Advisor | US EPA Center for Integrated Pest Management | 1445 Ross Avenue | Dallas, TX 75202 | 214.665.6754 |
[Be PestWise](#) | [Support IPM in Schools](#) | [Prevent Mosquitoes](#) | [Prevent Zika](#)

From: Mary Ellen Holliman [mailto:Mary.Holliman@TexasAgriculture.gov]
Sent: Wednesday, September 06, 2017 12:03 PM
To: Whitney.Qualls@dshs.texas.gov; McPherson, Kenneth <McPherson.Kenneth@epa.gov>
Cc: Leslie Smith <Leslie.Smith@TexasAgriculture.gov>; Dale Scott <Dale.Scott@TexasAgriculture.gov>
Subject: Impact to Organic crop operations due to TF Vector Control Spay for Harvey

Hello Whitney and Kenneth:

Thanks to a quick response and clarification from the USDA National Organic Program (NOP) I am able to confirm that [7 CFR §205.672](#) is effective, even without a specific declaration memo, as long as all of the counties where the application will be made are part of the declared Federal or State Disaster areas. If any county or area is not part of these declared disaster areas, I will need to be supplied with a memo from the authorizing agency that includes a brief explanation as to why the county/area is part of the emergency pest treatment program so that I may disperse the information to the proper entities.

In essence, any current organic crops that experience a direct application or drift from the areal application will lose the ability to make an organic claim but the operation’s organic certification will not be jeopardized due to the areal application of the insecticide. TDA is in the process of compiling an outreach notification to organic operations to inform them of this information and will forward to

you once finalized.

§205.672 Emergency pest or disease treatment.

When a prohibited substance is applied to a certified operation due to a Federal or State emergency pest or disease treatment program and the certified operation otherwise meets the requirements of this part, the certification status of the operation shall not be affected as a result of the application of the prohibited substance: *Provided*, That:

(a) Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as organically produced; and

(b) Any livestock that are treated with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program or product derived from such treated livestock cannot be sold, labeled, or represented as organically produced: *Except*, That:

(1) Milk or milk products may be sold, labeled, or represented as organically produced beginning 12 months following the last date that the dairy animal was treated with the prohibited substance; and

(2) The offspring of gestating mammalian breeder stock treated with a prohibited substance may be considered organic: *Provided*, That, the breeder stock was not in the last third of gestation on the date that the breeder stock was treated with the prohibited substance.

Sincerely,

Mary Ellen Holliman

Coordinator for Organic Certification

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